

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY TERRELL MCGOWAN,

Plaintiff,

Case No. 1:22-cv-852

v.

Honorable Phillip J. Green

CELENA HERBERT, et al.,

Defendants.

ORDER FOR SERVICE

This is a prisoner civil rights action. In an opinion and judgment (ECF Nos. 5, 6) entered on October 11, 2022, the Court dismissed Plaintiff's complaint for failure to state a claim upon which relief can be granted. Plaintiff subsequently appealed and obtained counsel to represent him on appeal. In an opinion (ECF No. 13) entered on April 14, 2023, the United States Court of Appeals for the Sixth Circuit reversed this Court's dismissal of Plaintiff's Fourteenth Amendment failure to protect claim against Defendant Herbert and remanded the case for further proceedings. The Sixth Circuit issued its mandate (ECF No. 14) on May 8, 2023. In light of such, therefore,

IT IS ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendant Herbert in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendant Herbert shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, Defendant Herbert is not required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After Defendant Herbert has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: May 9, 2023

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge